

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY

July 12, 2017

1:00 pm

Board Members Present: Amy Adkins, Betty Brown, Jacob Hack, Karen Leek, Carol Scherbak, Jaime Warren, Steven Wells

Board Members Absent: Sharon Whitaker

ExOfficio Members: Brian Judy, Elizabeth Morgan

Guests: Carmine Iaccarino and Quincy Ward, Public Protection Cabinet-Office of Legal Services

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Meeting was called to order at 1:00 pm.
Approval of June Minutes	2 minutes		A motion to approve the June minutes was made by Jaime Warren. Jacob Hack seconded motion. Motion passed.
Approval of Board Travel and per diem	1 minute		Steve Wells made a motion to approve Board travel and per diem pay. Carol Scherbak seconded motion. Motion passed.
Review of Office Personnel Time Records	3 minutes		Amy Adkins reviewed office timesheets and found them satisfactory.
Committee Reports	20 minutes	<p><u>Education Committee</u>: No report.</p> <p><u>Complaint/Violation Committee</u>:</p>	<p>The complaints/violations committee made a recommendation to order the licensee to appear at the August committee meeting in case 16.29. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 16-day suspension and a \$800 civil penalty in case 17.11 for unlicensed practice. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.12. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint made by the Executive Director and open an investigation in case 17.15 for unlicensed practice. Carol Scherbak</p>

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		<p><u>Applications Committee:</u></p>	<p>seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint made by the Executive Director and open an investigation in case 17.16 for unlicensed practice. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to initiate a complaint to the facility in case 17.17 for suspected unlicensed practice. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to file a new administrative regulation which would give the Board the authority to issue administrative subpoenas to assist in the investigation of a complaint or a suspected violation. Betty Brown seconded. The board reviewed the language that was drafted in an administrative regulation by another professional licensure board in the state. Carol Scherbak made a motion to amend the recommendation to adopt similar language and include additional language referring to electronic records. Betty Brown seconded the amendment. Motion passed.</p> <p>The applications committee made a recommendation to approve the final order in case 15-MIRT-153 Morano V. KBMIRT and affirm the denial of the application. Carol Scherbak seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to approve the applications for Letha Stubblefield, Kayla Hanners, and John Downs. Steve Wells seconded. Recommendation passed.</p> <p>The applications committee made a recommendation to defer the review of an applicant and reorder the individual to appear before the committee at the August meeting with court documents pertaining to the provided background check. The individual was unable to attend the July meeting. Steve Wells seconded. Recommendation passed.</p>

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		<p><u>Communications Committee</u>: No report.</p> <p><u>Regulations Revision Committee</u>:</p> <ul style="list-style-type: none"> a. Update on amendments to 201 KAR 46:060, 201 KAR 46:070, 201 KAR 46:090, 201 KAR 46:040, and 201 KAR 46:035. The amendments should be effective the first week in August. b. KBMIRT sought an advisory opinion from KBN on whether it is within the scope of practice for a Registered Nurse to administer radiopharmaceuticals. The KBN offered their response by stating that "patient education, handling, preparation, and administration by various routes of radiopharmaceuticals is within the scope of registered nurse practice for the registered nurse who is educationally prepared and currently clinically competent". The Radiation Health Branch (CHFS-RHB) was also awaiting a response from the advisory opinion; the KBN opinion will be shared with Curt Pendergrass. c. The committee received a question regarding RT (R) scope of practice related to insertion of a PICC line. The scope of practice of RT(R) does not include insertion of a PICC line. d. The committee received an inquiry whether a LXMO can be employed at a facility that has an extremity MRI machine. 201 KAR 46:081, Section 2 prohibits employment of a LXMO at a facility where MRI studies are performed; therefore, a LXMO would not be permitted to be 	

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		<p>employed as an operator of a source of radiation.</p> <p>e. The committee reviewed a comment from an individual concerning the definition of advanced imaging professional in the statute versus the administrative regulations. The committee will review the administrative regulations for any concerns regarding the use of the term as it is defined.</p> <p>f. LXMO independent study course was discussed; additional information will be gathered pertaining to the program to be presented to the board.</p>	
Old Business	15 minutes	<p><u>KBN/KBMIRT Workgroup</u>: No updates</p> <p><u>Reorganization Updates</u>: The executive director reported there are no new updates since the last meeting. The executive order for the reorganization is on hold.</p> <p>Guests Carmine Iaccarino and Quincy Ward from the Public Protection Cabinet Office of Legal Services introduced themselves and confirmed that there are no updates to the reorganization at this time. Mr. Iaccarino and Mr. Ward indicated the organizational structure of the reorganization is preliminary and the board may offer its suggestions to the PPC.</p> <p><u>Office Move Updates</u>: The executive director reported no new updates since the last meeting; has not been able to secure a list of available office space.</p>	

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Executive Director Update	5 minutes	<p><u>License Update: June</u></p> <ul style="list-style-type: none"> a. New:94 b. Renewal: 554 c. ISC: 9 d. Late: 6 e. Follow-up to late license submissions: in committee <p><u>Related legislative activity: None</u></p> <p><u>Budget: Report for June distributed</u></p> <ul style="list-style-type: none"> a. Revenue b. Expenditures c.YTD Balance d. Outstanding Bills: Xerox has not provided a copy of the contract and corrected invoices. <p><u>Other:</u></p> <ul style="list-style-type: none"> a. Record Retention Schedule Review: ongoing b. Digitizing Licensee Files: The project is progressing; all files have been collected for project. New files will be digitized in office. 	
New Business		<p>Brian Judy offered information pertaining to laws that went into effect June 29, 2017. House Bill 50 updates KRS 13A.010 concerning administrative regulations and gives a seven-year life to regulations. The board will need to be mindful of the last effective dates of the administrative regulations and either amend or affirm the regulations. The other law that went into effect that impacts the board is Senate Bill 120, which amends KRS 335B.020 & KRS 335B.030 and updates the requirements for licensing authority when they deny a license due to past criminal convictions. The licensing</p>	

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		<p>authority would provide the applicant with notice of the basis of denial, the earliest date they may reapply, and that they have a right to a hearing. The licensing authority would carry the burden of proof on the question of whether the prior conviction directly relates to the position of employment sought or the occupation for which the license is sought.</p> <p>Brian Judy presented the board with an MOA for the continuation of legal services from the Kentucky Attorney General's office. The MOA was reviewed.</p> <p>Representatives from the Public Protection Cabinet Office of Legal Services offered the board their legal services until the reorganization takes effect.</p>	<p>Carol Scherbak made a motion to continue legal services with the Attorney General Office until the reorganization. Betty Brown seconded. Motion passed.</p>
Future meetings		<p>August 9, 2017</p> <p><i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: 42 Fountain Place, Frankfort</i></p>	
Meeting adjourned			<p>Carol Scherbak made a motion to adjourn. Steve Wells seconded. Meeting adjourned 2:21 pm.</p>